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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/024,757      | 12/20/2001  | Tony Piotrowski      | US010628            | 3946             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

ALABAIDI, HAYTHIM J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2171

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,757

Applicant(s)

PIOTROWSKI, TONY

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is a First Non-Final Office Action in response to Application No. 10/24757, Filed on December 20, 2001.
2. Claims 1-17 are presented for examination, of which Claims 1, 7 and 15 are independent.
3. Claims 1, 4, 6-7, 9-11, 13-15 and 17, are rejected under 35 U.S.C. 102(e).
4. Claims 2-3, 5, 8, 12 and 16, are rejected under 35 U.S.C. 103(a).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 6-7, 9-11, 13-15 and 17, are rejected under 35 U.S.C. 102(e) as being anticipated by Stephan H. Maes (European Patent Application EP 1 143 679 and Maes hereinafter).

Regarding Claims 1, 7, 9-11, 15 and 17, Maes discloses:

receiving a voice data packet related to a desired item or service; (Figure 1, Elements No. 15, 16, 24, 21, 22 and 23 and corresponding text; see also Col 5, Paragraph [0019])

forming a search request using information from the voice data packet, (Figure No. 3a, Element No. 105 and corresponding text; see also Col 9, Paragraph [0030]; see also Col 2, Paragraphs [0006] and [0007])

the search request including audio information; (Figure No. 1, Element No 15 and 16 and corresponding text; see also Col 7, Paragraph [0024])

searching one or more databases for the desired item or service; (Figure No 1, Elements No. 25 and 26 and corresponding text)

and providing a result of the search to the user (Col 21, Lines 27-31, i.e. search result; see also Figure 3a, Element 107 and corresponding text).

Regarding Claim 4, Maes discloses searching step includes searching one or more databases over the Internet (Figure No. 1 and corresponding text; see also Col 6, Paragraph [0023]).

Regarding Claim 6, Maes discloses verifying the user's identity using a voice authentication process (Col 21-22, Paragraph [0066]).

Regarding Claim 13, Maes discloses audio-to-text unit, wherein at least a portion of the search request includes electronic text data (Col 6-7, Paragraphs [0023] and [0024])

Regarding Claim 14, Maes discloses a result indication formatter that formats the search results in a predetermined order (Col 11, Lines 4-12)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 5, 8, 12 and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan H. Maes (European Patent Application EP 1 143 679 and Maes hereinafter) in view of Ronald A. Katz (U.S. Patent No. 6,055,513 and Katz hereinafter).

Regarding Claims 2-3, 8 and 16 Maes's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate wherein, the information includes one or more of the following types of information: consumer information, merchandize/service description, merchandize/service source, financial information and shipping information. However Katz discloses merchandize/service description (Katz, Abstract, i.e. determining at least one good, service or item of information; see also Col 2, Lines 3-7; see also Col 24, Lines 4-11). Given the intended broad application of the Maes system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Maes with the teachings of Katz to include an item description to be purchased or to

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identify the user purchasing the items or goods, one reason would be to complete the purchasing transaction, as identifying the items and/or good would result in completing the purchasing transaction if the voice or audio search request was in regard to purchasing an item or good or a service.

Regarding Claim 5, Maes's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate wherein the purchase transaction is a credit or debit card transaction. However Katz discloses wherein the purchase transaction is a credit or debit card transaction (Col 9, Lines 22-64). Given the intended broad application of the Maes system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Maes with the teachings of Katz to include credit or debit transactions, one of many reasons would be to increase the system flexibility and maximizing the consumer convenience by allowing the consumer to purchase a good or service using a credit or debit over the Internet instead of mailing cash or other type of checks to the provider of the good or services.

Regarding Claim 12, Maes discloses verifying the user's identity using a voice authentication process (Col 21-22, Paragraph [0066]).

***Other Prior Art Made of Record***

9. a. Ram et al. (U.S. Patent No. 6625258) discloses a system and method for providing unified communication services support;

b. Judkins et al. (U.S. Patent No. 6603854) discloses a system and method for evaluating agents in call center;

c. Dvorak (U.S. Patent No. 5884266) discloses an audio interface for document based information resource navigation and method therefor; and

d. Katz et al. (U.S. Patent No. 4792968) discloses a statistical analysis system for use with public communication facility.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:


The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

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Patent Examiner  
Technology Center 2100  
May 17, 2004

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100